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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS GARROTT,

Defendant.

CASE NO. 2:18-cr-00252-JCM-VCF-2

STIPULATION AND ORDER TO CONTINUE SENTENCING (FOURTH REQUEST)

IT IS HEREBY STIPULATED by and between Nicholas Garrott, Defendant, by and through his counsel, Paola M. Armeni, Esq., of the law firm of Clark Hill PLC and the Plaintiff, United States of America, by and through Nicholas Trutanich, United States Attorney, and Shaheen Torgoley, Assistant United States Attorney, that the Sentencing in the above-captioned matter, currently scheduled for December 18, 2020, at the hour of 11:00 a.m. be vacated and set to a date and time convenient to the Court but not earlier than ninety (90) days.

This Stipulation is entered into for the following reasons:

1. The parties need additional time to negotiate positions regarding sentencing.
2. Pursuant to the COVID-19 updated from the BOP, on December 7, 2020, the BOP has **124,610** federal inmates in BOP-managed institutions and **13,952** in community-based facilities. The staff complement of BOP is approximately **36,000**. There are **5,555 federal inmates** and **1,613 BOP staff** who have confirmed positive test results

for COVID-19 nationwide. There have been **151** federal inmate deaths and **2** BOP staff member deaths attributed to COVID-19 disease.

3. Due to the current COVID-19 pandemic, Mr. Garrott seeks to protect his health and safety by limiting his movement in and out of the Southern Nevada Detention facility to decrease any risk of contracting the virus.
4. Additionally, Mr. Garrott has serious concerns regarding the pandemic and does not wish to be designated to a BOP facility (or transported to a BOP facility) which will occur upon sentencing until BOP has made strides to handle the current pandemic crisis.
5. Defendants Mr. Nicholas Garrott, has appeared in this case, and is in custody and, along with the government, agrees to this short continuance.
6. The additional time requested herein is not sought for purposes of delay and the denial of this request for a continuance could result in a miscarriage of justice.
7. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing hearing for good cause. Good cause exists in this case.
8. For all the above-stated reasons, the ends of justice would be best served by a short continuance of the sentencing hearing.
9. This is the fourth request for a continuance of the sentencing hearing.

NICHOLAS TRUTANICH
UNITED STATES ATTORNEY
DISTRICT OF NEVADA

CLARK HILL PLC

DATED this 8th day of December, 2020.

DATED this 7th day of December, 2020.

/s/Shahen Torgoley
Shahen Torgoley
Assistant United States Attorney
Attorneys for Plaintiff,
UNITED STATES OF AMERICA

/s/Paola M. Armeni
PAOLA M. ARMENI
Attorney for Defendant,
NICHOLAS GARROTT

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

CASE NO. 2:18-cr-00252-JCM-VCF-2

4 Plaintiff,

5 vs.

6 NICHOLAS GARROTT,

7 Defendant.

8
9 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court hereby finds that:

12 **CONCLUSIONS OF LAW**

13 Based on the fact that counsel has agreed to a continuance, the Court hereby concludes
14 that:

- 15 1. The parties need additional time to negotiate positions regarding sentencing.
- 16 2. Pursuant to the COVID-19 updated from the BOP, on December 7, 2020, the BOP
17 has **124,610** federal inmates in BOP-managed institutions and **13,952** in community-
18 based facilities. The staff complement of BOP is approximately **36,000**. There are **5,555**
19 **federal inmates** and **1,613 BOP staff** who have confirmed positive test results
20 for COVID-19 nationwide. There have been **151** federal inmate deaths and **2** BOP staff
21 member deaths attributed to COVID-19 disease.
- 22 3. Due to the current COVID-19 pandemic, Mr. Garrott seeks to protect his health and
23 safety by limiting his movement in and out of the Southern Nevada Detention facility to
24 decrease any risk of contracting the virus.
- 25 4. Additionally, Mr. Garrott has serious concerns regarding the pandemic and does not wish
26 to be designated to a BOP facility (or transported to a BOP facility) which will occur
27 upon sentencing until BOP has made strides to handle the current pandemic crisis.
- 28

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8. For all the above-stated reasons, the ends of justice would be best served by a short continuance of the sentencing hearing.
9. This is the fourth request for a continuance of the sentencing hearing.

ORDER

IT IS HEREBY ORDERED that the sentencing hearing in this matter scheduled for December 18, 2020, at the hour of 11:00 a.m. is hereby vacated and continued to the 26th day of March, 2021, at the hour of 10:00 a.m., in Courtroom 6A.

DATED December 9, 2020.



JAMES C. MAHAN
UNITED STATES DISTRICT COURT JUDGE
CASE NO.: 2:18-cr-00252-JCM-VCF-2